

FILED

MAY 26 2020

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES GIBSON BAILEY,

Defendant.

CR 19-09-BU-DLC

ORDER

Before the Court is the Government's Motion for Amended Final Order of Forfeiture. (Doc. 114.) Having reviewed the motion, the Court finds:

1. The United States commenced this action pursuant to 18 U.S.C. § 924(d) and 26 U.S.C. § 5872.
2. A preliminary order of forfeiture was entered on January 27, 2020. (Doc. 89.)
3. All known interested parties were provided an opportunity to respond and publication has been effected as required by 21 U.S.C. § 853(n)(1). (Doc. 97.)
4. The Defendant's father submitted a claim in the related administrative forfeiture proceeding, which prompted the ATF to refer the matter to the United States Attorney's Office.

5. Before the Defendant pleaded guilty and admitted the forfeiture allegation, his father passed away, and the Defendant and his sister have been representing his father's estate.

6. The Government acknowledges the timeliness of the claim filed by the Defendant's father, though no claim was filed in response to this Court's entry of the preliminary order of forfeiture (Doc. 89).

7. In response to the Defendant's father's original claim, the Government moves to amend the final order of forfeiture (Doc. 105) to recognize the father's estate's interest in the following four firearms:

- a Marlin Firearms Company, Golden 50 Glenfield Model 65 semiautomatic rifle, .22LR caliber, bearing serial number 27111034 (item 19-ATF-020632);
- a Smith & Wesson, model 29-2 revolver, .44 Magnum caliber, bearing serial number S316018 (item 19-ATF-020636);
- a Davis Industries, Model D38 derringer style pistol, .38 Special caliber, bearing serial number D123498 (item 19-ATF-020921); and
- a Savage Arms, Inc., Model 110 bolt-action rifle, .338 Lapua Magnum caliber, bearing serial number K955228 (item 19-ATF-020634).

8. It appears there is cause to amend the final order of forfeiture consistent with the government's motion.

Accordingly, IT IS ORDERED that:

1. The Motion (Doc. 114) for an amended final order of forfeiture is GRANTED.

2. Judgment of forfeiture shall enter in favor of the United States pursuant to 18 U.S.C. § 924(d) and 26 U.S.C. § 5872, free from the claims of any other party, in the following property:

- all destructive devices possessed by the defendant, specifically items 19-ATF-021263, 19-ATF-021264, 19-ATF-021265, and 19-ATF-021266;
- one suspected silencer, item 19-ATF-021041;
- all ammunition and firearm accessories possessed by the defendant, specifically items 19-ATF-020639, 19-ATF-0202640, 19-ATF-020641, 19-ATF-020642, 19-ATF-020643, 19-ATF-020644, 19-ATF-020645, 19-ATF-020646, 19-ATF-020647, 19-ATF-020648, 19-ATF-020649, 19-ATF-020650, 19-ATF-020651, 19-ATF-020652, 19-ATF-020922, 19-ATF-020923, 19-ATF-020924, 19-ATF-020925, 19-ATF-020926, 19-ATF-020927, 19-ATF-020928, 19-ATF-020929, and 19-ATF-020930;
- a Sturm, Ruger and Company, Inc., model AR-556 semiautomatic rifle, 5.56 NATO caliber, bearing serial number 855-38614 (item 19-ATF-020633);
- a Smith & Wesson, Model 500 revolver, 500 Smith & Wesson Magnum caliber, bearing serial number DJD7626 (item 19-ATF-020635);
- a Smith & Wesson brand, model M&P 9 SHIELD M2.0 semiautomatic pistol, 9mm NATO caliber, bearing serial number LFM6703 (item 19-ATF-020637); and

- a Beretta (Fabbrica d'Armi Pietro Beretta), model PX4 Storm SD Type F semiautomatic pistol, .45 ACP caliber, bearing serial number PK38513 (item 19-ATF-020638).


3. The United States shall have full and legal title to the forfeited property and may dispose of it in accordance with law.

4. The following items shall be returned to the Defendant's father's estate, through a designee of the estate's choosing:

- a Marlin Firearms Company, Golden 50 Glenfield Model65 semiautomatic rifle, .22LR caliber, bearing serial number 27111034 (item 19-ATF-020632);
- a Smith & Wesson, model 29-2 revolver, .44 Magnum caliber, bearing serial number S316018 (item 19-ATF-020636);
- a Davis Industries, Model D38 derringer style pistol, .38 Special caliber, bearing serial number D123498 (item 19-ATF-020921); and
- a Savage Arms, Inc., Model 110 bolt-action rifle, .338 Lapua Magnum caliber, bearing serial number K955228 (item 19-ATF-020634).

5. This amended order supersedes the original final order of forfeiture (Doc. 105) in all respects.

DATED this 26th day of May, 2020.


Dana L. Christensen, District Judge
United States District Court